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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,434	06/28/2001	Renaud Mariana	T2146-907342	3870

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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER

HA, LEYNNA A

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/869,434

Applicant(s)

MARIANA, RENAUD

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/28/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-10 have been examined and are rejected under 35 U.S.C. 102(e).

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated over Ginter, et al. (US 5,910,987).**

**As per claim 1:**

Ginter discloses communicate with at least one web server via an internet network, using a first Internet communication protocol, said secure enclosure comprising at least one smart card reader [col.39, lines 14-35], for reading a smart card [col.228, lines 29-34] storing at least one software application [col.79, lines 56-64 and col.233, lines 53-65], characterized in that said terminal comprises a non-secure part comprising at least a first

communication node, said secure enclosure comprises at least a second communication node **[col.43, line 65 - col.44, line 2]** and said smart card comprises at least a third communication node **[col.39, lines 20-29]**, said first, second and third communication nodes comprising **[col.230, lines 23-45]**, respectively, first, second and third protocol stacks **[col.89, lines 6-50 and col.100, lines 7-17; Ginter includes the plurality (first, second and third) protocol stacks wherein discusses communicating through an OSI which OSI is also known as protocol stack. Ginter discusses each node can communicate with the object switch through an OSI and also discusses being able to communicate with external nodes using various protocols.]**, each protocol stack comprising a given number of software communication layers **[col.100, lines 7-17]**, and, respectively, first, second and third pieces of specific software, each comprising first software entities, said first software entities being paired two by two, wherein said first node authorizes at least communications between said terminal and said web server, using said first Internet communication protocol **[col.100, lines 31-47 and col.279, lines 13-17]**, said first entities of said first and second pieces of specific software authorizing the establishment of a bilateral data exchange **[col.43, lines 43-52 and col.51, lines 1-35; wherein bilateral data exchange is capable of transmission in both directions. Ginter discusses communicating to various nodes and being able to transmit and receive information.]** session between said terminal and said secure enclosure, using a second given

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communication protocol **[col.42, lines 14-20]**, in that said first entities of said second and third pieces of specific software authorizing at least the establishment of a bilateral data exchange session between said secure enclosure and said smart card **[col.229, lines 1-7]**, via said smart card reader, using a third given communication protocol, so as to be able to connect at least one of said software applications (A1-An) of the smart card with said web server.

**[col.230, lines 23-45 and col.279, lines 22-28]**

**As per claim 2:**

Ginter discloses a terminal according to claim 1 , characterized in that said first paired entities are constituted by intelligent agent software modules, which establish said sessions. **[col.8, line 3 and col.287, lines 32-43]**

**As per claim 3:**

Ginter discloses a terminal according to claim 1, characterized in that said terminal further comprises, in said non-secure part, at least one application constituted by a web browser, and where said first Inter protocol is the "HTTP/TCP-IP" protocol includes a URL address, comprising an IP internet address element and a port number of an internal element of said terminal **[col.100, lines 7-38]**, and wherein said first entity of said specific piece of software of said first communication node **[col.230, lines 23-45]** identifies said

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IP address element and said port number, and as a result of said identification **[col.200, lines 58-62]**, data received from said web server is routed to said web browser, using said first Internet protocol, or translated **[col.37, lines 35-39 and col.79, lines 56-64]** and transmitted to said second communication node **[col.43, line 65 – col.44, line 2]** using said second given communication protocol **[col.89, lines 6-50 and col.100, lines 7-17; Ginter includes the plurality (first, second and third) protocol stacks wherein discusses communicating through an OSI which OSI is also known as protocol stack. Ginter discusses each node can communicate with the object switch through an OSI and also discusses being able to communicate with external nodes using various protocols.]**, in a first data transmission direction, and upon said identification, data received from the second communication node is routed to said web browser or to said web server using said first Internet protocol, in a second data transmission direction. **[col.230, lines 23-45 and col.279, lines 22-28]**

**As per claim 4:**

Ginter discloses a terminal according to claim 3, characterized in that said secure enclosure also comprises at least one data entry keyboard and at least one enclosure HTTP server disposed between said keyboard and said second communication node **[col.43, line 65 – col.44, line 2]**, said IP address element and said port number being identified **[col.110, lines 42-55 and col.200,**

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**lines 58-62]** by said first entity of said specific piece of software of said second communication node data received from said first communication node **[col.230, lines 23-45]** being translated **[col.37, lines 35-39 and col.79, lines 56-64]** and again transmitted to said third communication node using said third given communication protocol **[col.89, lines 6-50 and col.100, lines 7-17; Ginter includes the plurality (first, second and third) protocol stacks wherein discusses communicating through an OSI which OSI is also known as protocol stack. Ginter discusses each node can communicate with the object switch through an OSI and also discusses being able to communicate with external nodes using various protocols.]**, in a first data transmission direction, and upon said identification, data received from the third communication node is routed to said HTTP server, or translated and transmitted **[col.37, lines 35-39 and col.79, lines 56-64]** to said second communication node using said second given protocol, in a second data transmission direction. **[col.100, lines 7-17 and col.279, lines 22-28]**

**As per claim 5:**

Ginter discloses a terminal according to claim 4, characterized in that said secure enclosure comprises at least one additional computing resource connected to said HTTP server of the secure enclosure, and, said URL address comprising an additional address element, wherein upon identification of said additional address element, said HTTP server selects said keyboard or one of

said additional computing resources. **[col.58, lines 25-29 and col.100, lines 7-17]**

**As per claim 6:**

A terminal according to claim 5, characterized in that said additional computing resource (63) is a biometric authentication device.

**[col.35, lines 57-60]**

**As per claim 7:**

Ginter discloses a terminal according to claim 4, characterized in that said smart card stores several software applications (A1-An), card and HTTP server disposed between said software applications (A1-An) and said third node, and said card HTTP server selectively activating at least one of said software applications (A1-An) upon reception of a request coming from said second node or transmits the requests sent by said applications (A1-An) to said third communication node. **[col.59, lines 17-28; col.73, lines 49-51; and col.79, lines 56-64]**

**As per claim 8:**

Ginter discloses a terminal according to claim 7, characterized in that said smart card also comprises a second software entity (ATSI-ATSi) for interpreting an instruction set conveyed by said data received from said third communication node **[col.230, lines 23-45]**, and for translating **[col.37, lines**



**35-39 and col.79, lines 56-64]** said instruction set into a set of commands, said second software entity (ATSI-ATSj) cooperating with said software applications (A1-An) and said specific piece of software of said third communication node, said translated instruction set being associated with one of said software applications to be activated (A:-An) in said smart card. **[col.229, lines 1-7]**

**As per claim 9:**

Ginter discloses a terminal according to claim 8, wherein said instruction set to be interpreted is constituted by a script, each of said second software entities being constituted by script translating intelligent agent (ATSI-ATSi) software module. **[col.79, lines 56-64]**

**As per claim 10:**

Ginter discloses a terminal according to claim 1, characterized in that a merchant software application is stored in said web server **[col.79, lines 56-64 and col.279, lines 13-28]**, and said merchant software application is adapted to be placed in interactive communication with at least one of said software applications (A1-An) **[col.7, lines 31-41]** of said smart card **[col.39, lines 20-29]** via said first, second and third communication nodes. **[col.43, line 65 – col.44, line 2 and col.230, lines 23-45]**

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**\*\*\*TC 2100 will be moved to Carlyle in October 2004. At this time, any inquiry or communications should be directed to the examiner, LEYNNA HA, whose new telephone number is (571) 272-3851 and the new telephone number for TC 2100 receptionist is 571-272-2100.**

LHa

  
KIM VU  
SENIOR PATENT EXAMINER  
TECHNOLOGY CENTER 2100